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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/671,851

09/26/2003

Melvin Robert Jackson

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

EXAMINER

ROE, JESSEE RANDALL

ART UNIT

PAPER NUMBER

1793

NOTIFICATION DATE

DELIVERY MODE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte MELVIN ROBERT JACKSON,
BERNARD PATRICK BEWLAY, JUDSON SLOAN MARTE,
PAZHAYANNUR RAMANATHAN SUBRAMANIAN,
JI-CHENG ZHAO, and ANN MELINDA RITTER

Application 10/671,851
Technology 1700

Mailed: May 28, 2009

Before PAULA CONN, *Paralegal Specialist*.
CONN, *Paralegal Specialist*.

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on May 14, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

APPEAL BRIEF, SUMMARY OF CLAIMED SUBJECT MATTER

Appellants filed an Appeal Brief dated July 27, 2007. The Appeal Brief is not in compliance with 37 C.F.R. § 41.37(c) effective September 13, 2004.

According to 37 C.F.R. § 41.37(c)(v), an Appeal Brief must include the following:

(v) *Summary Of Claimed Subject Matter.* A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which must refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of 37 CFR 41.37(c)(1)(vii), every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The “Summary of claimed subject matter” appearing on pages 2 through 4 of the Appeal Brief filed July 27, 2007, is deficient because it does not separately map independent claim 23 to the Specification. Correction is required.

MPEP § 1205.03 states in part:

(B) When the Office holds the brief to be defective solely due to appellant’s failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should

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not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice. Failure to timely respond to the Office's requirement will result in dismissal of the appeal. See MPEP § 1215.04 and § 711.02(b).

Accordingly, it is ORDERED that the application be returned to the Examiner to :

- 1) hold the Appeal Brief filed August 8, 2007, is defective as required by 37 CFR § 41.37(d);
- 2) notify the Appellants to submit a "paper" which corrects the Appeal Brief's Summary of Claimed Subject Matter under 37 CFR §41.37(c)(1)(v);
- 3) acknowledge and consider any "paper" submitted by Appellants to correct the Appeal Brief; and
- 4) for such further action as may be appropriate.

If there are any question pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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